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EXAMINER

SELBY, GEVELL V

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

05/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/614,792	Applicant(s) IIDA, TAKAYUKI	
	Examiner Gevell Selby	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the amendment, filed 1/30/07, with respect to the rejection(s) of claim(s) 1-7 under 35 U.S.C. 102(e) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Okada, US 6,992,701.

2. Applicant's arguments filed 1/30/07 have been fully considered but they are not persuasive. The applicant submits the prior art does not disclose the following limitations of the claimed invention:

“image data obtained by the photographing is recorded in an information storage medium” and “operation information recorded in the information medium”, as stated in claim 3

information is useful for improvement of each of the functions is collected, as stated in claims 8 and 20. The Examiner respectfully disagrees.

Examiner's Reply:

Re claim 3) The Niikawa reference discloses a memory card (8) that serves as a first collecting section and an information storage medium, wherein: the photography apparatus is provided with a function by which a subject is photographed and image data obtained by the photographing is recorded in an information storage medium (see figure 4, element 8) (see column 8, lines 45-67); and the processing section executes, as the processing for transferring the operation information to the information tabulating device, processing by which the operation information is recorded in the information storage medium (see column 9, lines 44-46).

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In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the first collecting section and an information storage medium are separate entities) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Re claims 8 and 20) In response to applicant's argument that the prior art does not disclose that the information is useful for improvement of each of the functions is collected, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 8-14, 16, 17, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Niikawa et al., US 6,834,130.**

In regard to claim 8, Niikawa et al., US 6,834,130, discloses a photography apparatus which photographs a subject, selectively using a plurality of functions offered by the photography apparatus, the photography apparatus comprising:

a control section (see figure 4, element 211) which controls the photography apparatus so that information on use of each of the functions, which information is useful for improvement of each of the functions is collected (see column 8, lines 45-67: the controller 211 tag information and history data for on the use of the functions);

a storing section (see figure 4, element 8) which stores the collected information (see column 8, lines 51-57); and

a processing section (see figure 5, element 211g) which outputs the stored information (see column 8, lines 26-29).

In regard to claim 9, Niikawa et al., US 6,834,130, discloses the photography apparatus according to claim 8, wherein the processing section comprises at least one of a communication section (see figure 5, element 212) which can transmit and receive information and a removable storage medium (see figure 4, element 8).

In regard to claim 10, Niikawa et al., US 6,834,130, discloses the photography apparatus according to claim 8, wherein the information on use of each of the plurality of functions is at least one of a number of uses of each of the functions (see figure 15 and 16 and column 14, line 38 to column 15 line 17).

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In regard to claim 11, Niikawa et al., US 6,834,130, discloses the photography apparatus according to claim 8, wherein the plurality of functions of the photography apparatus includes use of a flash (see figure 15, column 5).

In regard to claim 12, Niikawa et al., US 6,834,130, discloses the functional improvement system for a photography apparatus comprising:

the photography apparatus according to claim 8 (see claim 8 above);

an accumulation section (see figure 15 and 16 and figure 10 element 32)

which accumulates information output from the processing section of the photography apparatus (see column 14, lines 38-43); and

an analysis section (see figure 10, element 39) in which the information which has been accumulated in the accumulation section is analyzed, and results of the analysis are used for functional improvement of the photography apparatus (see column 15, line 30 to column 16, line 48: the functions are ranked to improve the operation of the apparatus).

In regard to claim 13, Niikawa et al., US 6,834,130, discloses the functional improvement system for a photography apparatus according to claim 12, wherein each of the accumulation section (32) and the analysis section (39) is provided with a communication section (see figure 9, element 34), and the communication sections are connected to each other through a communication network of data lines (see figure 9, element 32, 34, and 39).

In regard to claim 14, Niikawa et al., US 6,834,130, discloses the functional improvement system for a photography apparatus according to claim 13, wherein the

photography apparatus further comprises a communication section (see figure 4, element 213) which is connected to each of communication sections of the accumulation section and the analysis section through a communication network (see figure 10, elements 19 and 31: data can be transferred to the computer network (19) and then to the accumulation section and the analysis section via the USB port).

In regard to claim 16, Niikawa et al., US 6,834,130, discloses the functional improvement system for a photography apparatus according to claim 12, wherein the accumulation section includes a database (see figures 15 and 16: history table).

In regard to claim 17, Niikawa et al., US 6,834,130, discloses the functional improvement system for a photography apparatus according to claim 12, wherein the results of the analysis of the information in the analysis section are input to the processing section of the photography apparatus (see column 13, lines 13-16: the history data with transferred back to the processing section of the photography apparatus to save in the memory and for further updating).

In regard to claim 20, Niikawa et al., US 6,834,130, discloses a method for functional improvement of a photography apparatus which photographs a subject, selectively using plurality of functions offered by the photography apparatus, the method comprising:

- collecting information on use of each of the functions which information is useful for improvement of each of the functions (see column 8, lines 45-67);
- storing the collected information (see column 8, lines 51-67);
- outputting the stored information (see column 13, lines 13-16);

accumulating the output information (see figures 15 and 16); and
analyzing the accumulated information and using the results of the
analysis for functional improvement of the photography apparatus (see column
15, line 30 to column 16, line 48: the functions are ranked to improve the
operation of the apparatus).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-6 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701.**

In regard to claim 1, Niikawa et al., US 6,834,130, discloses a photography
apparatus which operates according to operation thereof by a customer, the photography
apparatus comprising:

a first collection section (see figure 4, element 8) which collects operation
information representing an operating state of the photography apparatus (see
column 10, line 60 to column 11, line 5); and

a processing section (see figure 4, element 39: CPU inside processor)
which carries out processing for transferring operation information collected by

the first collection section (see column 9, lines 39-49) to an information tabulating device (see figure 10, element 39) which tabulates the operation information (see figure 15 and column 14, lines 38-63).

The Niikawa reference does not disclose wherein the operation information comprises at least one of a number of uses of each of the functions and an amount of time that each of the function is used.

Okada, US 6,992,701, discloses a digital camera that stores history data on a power supply period of the battery and the number of photographing images.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701, wherein the operation information comprises at least one of a number of uses of each of the functions and an amount of time that each of the function is used, in order to inform the user of the number of images captures and the length of time the camera has been operated so that the user may know how many more image they can capture and how long the battery will last so not to miss a photographing opportunity.

In regard to claim 2, Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701, discloses the photography apparatus according to claim 1. The Niikawa reference discloses wherein:

the photography apparatus is provided with a function by which a subject is photographed and image data obtained by the photographing is recorded in an information storage medium (see column 8, lines 45-67); and

the first collection section collects, as the operation information, at least one of: a number of uses of a flash (see figure 15, column 5).

In regard to claim 3, Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701, discloses the photography apparatus according to claim 1. The Niikawa reference discloses wherein:

the photography apparatus is provided with a function by which a subject is photographed and image data obtained by the photographing is recorded in an information storage medium (see figure 4, element 8) (see column 8, lines 45-67); and

the processing section executes, as the processing for transferring the operation information to the information tabulating device, processing by which the operation information is recorded in the information storage medium (see column 9, lines 44-46).

In regard to claim 4, Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701, discloses the photography apparatus according to claim 1. The Niikawa reference discloses further comprising a communication section which can communicate with the information tabulating device through a communication line, wherein the processing section executes, as the processing for transferring the operation information to the information tabulating device, processing by which the operation information is transmitted to the information tabulating device through the communication section (see column 10, lines 12-24: the operation information is transferred to the information tabulating device through the communication line of the memory card slot).

In regard to claim 5, Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701, discloses an information tabulating device of claim 1. The Niikawa reference discloses comprising:

a second collection section (see figure 10, element 32) which performs at least one of collection of respective operation information from each of a plurality of the photography apparatus according to claim 1 (see column 10, line 60 to column 11 line 5), and

collection of photographing information from each of the plurality of photography apparatus which is provided with a function by which a subject is photographed and image data obtained by the photographing is recorded in an information storage medium together with the photographing information representing photographing conditions during photographing (see column 11, lines 6-23); and

a tabulation section (see figure 10, element 39) which tabulates, for each model of the photography apparatus, the operation information or the photographing information, which has been collected by the second collection section (see figure 15 and column 10, lines 54-55).

In regard to claim 6, Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701, discloses a method of utilizing tabulated information of claim 1. The Niikawa reference discloses wherein:

suitability of the functions with which a photography apparatus is provided, based on operation information or photographing information, which

has been collected by the information tabulating device according to claim 5 (see claim 5, above), for each model of the photography apparatuses, and the analyzed results are used for the design of the photography apparatus (see column 15, line 30 to column 16, line 48: the functions are ranked to improve the operation of the apparatus).

In regard to claim 21, Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701, discloses a method for functional improvement according to claim 1, wherein the improvement of each of the functions comprises minimizing at least one of a number of deletions of image data of images photographed by the photography apparatus and failures of components of the photography apparatus (see Okada column 9, lines 6-10: tracking the power supply period of the battery and the number of photographed images minimizes the need to delete images until the maximum number of pictures are captured and the need to replace the battery before the maximum supply period is reached), wherein the components comprise at least one of a memory, a flash, a battery, a magnification unit, a signal processing unit, an operation switch, a communication control unit, a CPU and a display (see Niikawa, figure 4).

In regard to claims 22 and 23, Niikawa et al., US 6,834,130, discloses a method for functional improvement according to claims 8 and 20, respectively, wherein the components comprise at least one of a memory, a flash, a battery, a magnification unit, a signal processing unit, an operation switch, a communication control unit, a CPU and a display (see Niikawa, figure 4).

The Niikawa reference does not disclose wherein the improvement of each of the functions comprises minimizing at least one of a number of deletions of image data of images photographed by the photography apparatus and failures of components of the photography apparatus.

Okada, US 6,992,701, discloses wherein the improvement of each of the functions comprises minimizing at least one of a number of deletions of image data of images photographed by the photography apparatus and failures of components of the photography apparatus (see Okada column 9, lines 6-10: tracking the power supply period of the battery and the number of photographed images minimizes the need to delete images until the maximum number of pictures are captured and the need to replace the battery before the maximum supply period is reached).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701, wherein the improvement of each of the functions comprises minimizing at least one of a number of deletions of image data of images photographed by the photography apparatus and failures of components of the photography apparatus, in order to inform the user of the number of images captures and the length of time the camera has been operated so that the user may know how many more image they can capture and how long the battery will last so not to miss a photographing opportunity.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701, as applied to claim 6 above, and further in view of Wada et al., EP 1,134,979.

In regard to claim 7, in view of Okada, US 6,992,701, in view of Okada, US 6,992,701, discloses a method of utilizing tabulated information according to claim 6.

The Niikawa and Okada references do not disclose wherein lifetimes of components in the photography apparatus are analyzed for each of the photography apparatus, based on the operation information or the photographing information and advice information representing advice regarding change or replacement of components in the photography apparatus is generated for each of the photography apparatus, based on results of the analysis.

Wada et al., EP 1,134,979, discloses a camera capable of recording operation history including a power supply turn on time, the number of preset operations, and the number of changing operations of a camera component, in this case the filter, whereby this information may be provided to the user at the time of repairing (see abstract) A serviceman can access the history information to estimate the cause of the failure and advise what component need to be changed (see para. 95).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Niikawa et al., US 6,834,130, in view of Okada, US 6,992,701, and further in view of Wada et al., EP 1,134,979, wherein lifetimes of components in the photography apparatus are analyzed for each of the photography apparatus, based on the operation information or the photographing information and advice information representing advice regarding change or replacement of components in the photography apparatus is generated for each of the photography

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apparatus, based on results of the analysis, in order to supply important information to quickly find the problem with the camera and repair it.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa et al., US 6,834,130.

In regard to claim 15, Niikawa et al., US 6,834,130, discloses the functional improvement system for a photography apparatus according to claim 14. The Niikawa reference does not disclose wherein the communication section of the photography apparatus is a cradle provided with a charging function and a communication function.

Official Notice is taken that it is well known to one of ordinary skill in the art to have the communication section of a photography apparatus be a cradle with a charging function and a communication function, in order to allow the user to charge the camera while transferring image to an external device to save time.

9. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa et al., US 6,834,130, in view of Uchara, US 5,481,303.

In regard to claim 18, Niikawa et al., US 6,834,130, discloses the functional improvement system for a photography apparatus according to claim 17. The Niikawa reference does not disclose wherein the results of the analysis include advice to a user of the photography apparatus.

Uchara, US 5,481,303, discloses a digital camera that calculates the remaining number of frame in the memory from the available capacity and warns the user when the number of frames becomes low (see figures 5-6 and column 4, line 37 to column 6, line 28).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Niikawa et al., US 6,834,130, in view of Uchara, US 5,481,303, wherein the results of the analysis include advice to a user of the photography apparatus, in order to indicate to the user the memory is almost full, so that they might be ready to replace the memory or conserve memory usage, so as to not miss photographing opportunities.

In regard to claim 19, Niikawa et al., US 6,834,130, in view of Uchara, US 5,481,303, discloses the functional improvement system for a photography apparatus according to claim 18, wherein the advice is related to the change of components or selection of functions (see column 5, lines 5-38: warns memory capacity almost full so to change memory or perform another function with camera).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



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